

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Stephen E. Bondura on 12/18/2008.

The application has been amended as follows:

#### **IN THE CLAIMS:**

Claim 2, line 25, "a" has been deleted and --said-- has been inserted.

Claim 3, line 3, "a" has been deleted and --said-- has been inserted; line 4, "it" has been deleted and --said cylinder-- has been inserted.

Claim 4, line 4, "pump" has been deleted; line 4, before "chamber", --pump-- has been inserted.

Claim 6, line 27, "slot" has been deleted and --cam surface-- has been inserted.

Claim 18, lines 1-3, "wherein said electronic actuating mechanism comprises a sensor configured to actuate said electronic actuating mechanisms upon sensing the presence of a user" has been deleted and --further comprises a sensor that actuates said electronic actuating mechanism upon sensing a presence of a user-- has been inserted.

2. Claim 2 is allowable. The restriction requirement between Species 1-4, as set forth in the Office action mailed on 6/29/2006, has been reconsidered in view of the

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allowability of claims to the elected invention pursuant to MPEP § 821.04(a). **The restriction requirement is hereby withdrawn as to any claim that requires all the limitations of an allowable claim.** Claims 12-16, directed to a non-elected Species are no longer withdrawn from consideration because the claim(s) requires all the limitations of an allowable claim.

In view of the above noted withdrawal of the restriction requirement, applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

Once a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

Claim 1 has been cancelled.

### ***Allowable Subject Matter***

3. Claims 2-19 are allowed.

### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frederick C. Nicolas whose telephone number is (571)-272-4931. The examiner can normally be reached on Monday - Friday from 9:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin P. Shaver can be reached on (571)-272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Frederick C. Nicolas/  
Primary Examiner, Art Unit 3754